

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 87 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed
to see the judgements? Yes
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy
of the judgement?
 4. Whether this case involves a substantial question
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?
2 to 5 No
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SHIVABHAI DALABHAI

Versus

STATE OF GUJARAT

Appearance:

THROUGH JAIL for Petitioner

Mr. A.J. Desai, APP for Respondent No. 1

CORAM : MR.JUSTICE A.K.TRIVEDI

Date of decision: 23/03/98

ORAL JUDGEMENT

The petitioner Shivabhai Dalabhai is the convict and undergoing life imprisonment at Sabarmati Jail, Ahmedabad, has moved the present petition with certain complaints against the persons mentioned in Para-5 of the application and has prayed for protection to his family members and his agricultural property. The application

of the petitioner has been treated as a petition and urgent show cause notice was issued. In response to which, learned APP Shri A.J. Desai has waived the service of notice and appeared.

2. Rule. Mr. Learned APP A.J. Desai waives service of Rule. That as per the earlier direction dated 16.2.1998, the D.S.P., Patan has filed statement dated 16th March, 1998 along with annexures in respect to the complaints of the petitioner. The statement and the annexures filed, is ordered to be taken on record. On perusal of the said statement, it appears that the person against whom the petitioner has made complaint causing harassment to his family members - one Chamar Karsanbhai Dharmasibhai, who appears to have been expired on 10th January, 1998 and thereby said complaint of the complainant now does not survive. The another complaint made by the petitioner that persons named in the letters are not giving due share to the family members of the petitioner of the crop raised on the land belonging to him. It is stated in the statement that upto 1996 due shares were given to the family members of the petitioner and as such the said complaint of the complaint also does not survive.

3. Today when the matter was taken up for hearing, one Baliben, sister of the petitioner and Babupen, wife of petitioner are personally present in the court. On enquiry from them, it is found that now there is no harassment as alleged in the petition.

4. On the basis of the above stated discussion, as nothing remains to be done in the present petition. Petition stands disposed of. Rule is discharged. No order as to costs.

p.n.nair